

# Notice of Allowability

Application No.

09/662,284

Examiner

Mark Fadok

Applicant(s)

HAYWARD ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/12/2005.
2. ☒ The allowed claim(s) is/are 1-12, 14-19 and 21.
3. ☒ The drawings filed on 14 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

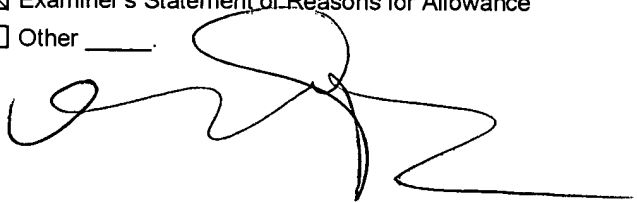
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/10/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 5/21/2005
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



5-00

***Response to Amendment***

The examiner is receipt of applicant's response to Interview circa December, 2004, which was received 4/12/2005. Acknowledgement is made to the amendment to claims 1,9,12,14,15,17, and 19 along with the cancellation of claims 13 and 20, leaving claims 1-12,14-19 and 21 as pending in the instant application. The examiner has carefully considered the arguments and amendments provided by the applicant along with the board decision on a related case 09/397,126, which affirmed the examiner. As stated by the board, arguments not presented were waived. Therefore, the examiner has found that the subject matter that is similar to the allowable subject matter presented in this notice of allowability was defacto affirmed, since no specific arguments were presented to the board related to the allowable features. After reexamining the stated art along with applicant's remarks the examiner has found the arguments convincing and therefore presents the following reasons for allowance.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner initiated amendment was given in a telephone interview with Mr. Andrew Ryan on 5/22/2005.

Claim 1 – in line 7, before “launching”, insert--automatically--

Claim 15 – in line 6, before “launching”, insert—automatically--

***Allowable Subject Matter***

The following is an examiner’s statement of reasons for allowance:

Claims 1-12,14-19 and 21 are allowable.

The following is an Examiner’s statement of the reasons for allowance for all independent claims 1,14,15 and 17.

The present invention is directed to a method for ordering a peripheral part automatically by presenting a purchase offer to a user that is accessed by identifying the communicating a URL address, which is defined by the condition of the part and also sending a digital electronic signature.

Each of the independent claims 1,14,15 and 17 identifies uniquely distinct features as follows.

**Claim 1:**

automatically launching an electronic link to a URL address of a computer, the URL address defined by the condition of the replaceable part.

**Claim 14:**

automatically launching an electronic communications to initiate at least one of an inquiry and an offer to purchase based on the condition to a URL address of a

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computer associated with a condition of the part, the URL address defined by the condition of the part

**Claim 15 :**

automatically launching an electronic communication to a URL address of a computer, the URL address defined by the condition of the replaceable part.

**Claim 17 :**

automatically launching a communication to a URL address of a computer associated with a condition of the consumable part upon at least one of an occurrence and a prediction of at least one of the first condition, intermediate condition, and third condition, the URL address defined by the condition of the part

Discussion of most relevant art:

**US Patents and PG-PUB**

(i) US Patent 6,233,409 to Haines et al. teaches a system for reorder redundancy prevention. Haines, however, fails to render the application's above-mentioned limitations obvious.

(ii) US Patent 6,302,527 to Walker et al teaches a method and apparatus for identifying sales channels. Walker, however, fails to render the application's above-mentioned limitations obvious.

(iii) US Patent 6,333,790 to Kageyama teaches a method for identifying a condition in a peripheral and automatically placing an order. Kageyama, however, fails to render the application's above-mentioned limitations obvious.

#### **Foreign Patent Documents**

(iv) EP 0 843 299 to Kodimer teaches monitoring a peripheral device and sending notification of a condition that exists to a remote location. Kodimer, however, fails to render the application's above-mentioned limitations obvious.

(v) EP 0838768 to Venkatraman teaches accessing a remote web site with an embedded URL. Venkatraman, however, fails to render the application's above-mentioned limitations obvious

#### **Non-Patent Literature**

(vi) M2 PRESSWIRE, "Lexmark extends powerful printer management capabilities to printers from all major brands", September 30, 1998, teaches managing multiple manufacturer printers with one application, M2 also offers direct access to the

HTML setup pages from different manufactures. M2, however, fails to render the application's above-mentioned limitations obvious

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 872-9306** [Official communications; including

After Final communications labeled

"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner